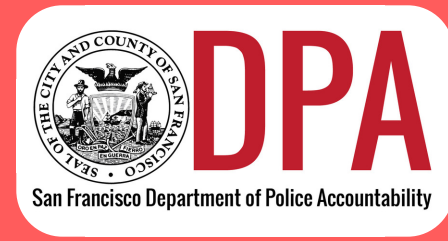


2018 THIRD QUARTER REPORT



EXECUTIVE SUMMARY

During the Third Quarter, the DPA increased the number of cases opened by 57% compared to the Third Quarter of the previous year. This increase in cases can be attributed to continued improvements in various areas, including outreach, expanded language access and repair of the online complaint system.

The DPA received an adjusted total of 187 complaints of police misconduct or failure to take action and closed 186 complaints. The DPA sustained allegations against San Francisco police officers in 17 complaints, which is a 14% sustained rate.*

By examining other civilian oversight agencies, the DPA discovered a better way to calculate our statistics and has adopted new protocols for measuring case findings. These new protocols follow the best practices set forth by other West Coast civilian oversight agencies, offer the public more accurate statistics for the DPA's case findings, and provide greater validation for the hard work of DPA investigators. *See page 3 for additional information.

Sustained cases were transmitted to the Chief of Police with DPA's disciplinary recommendations for each of the 35 involved officers. The Chief of Police adjudicated 11 of the 17 cases. Of the 11 adjudicated cases, the Chief of Police agreed with DPA's discipline recommendations in **six (6)** cases and disagreed in **twelve (12)** cases. The disposition of sustained allegations continues on page 4.

By the end of the Third Quarter, the investigative staff had completed intake on 274 (of 539) 2018 cases and had closed 227 cases (or 42%) of its 2018 cases, leaving 312 or 58% of the 2018 cases pending. The full disciplinary report (Keane report) is attached in section 2.

The DPA's Mediation Program also launched its inaugural Mediation Forum to current and prospective mediators during the quarter. The event was a huge success as over 100 people attended from across the Bay Area, 80 of whom were registered attendees.

The Event kicked off with a keynote presentation honoring the past achievements of the former Mediation Coordinator and highlighting the new program goals and opportunities for Mediators to become more involved with DPA's outreach efforts. Mediators also heard from Deputy Director Erick Baltazar who provided a briefing on the investigatory process. Mediation Director Sharon Owsley welcomed Denise Asper of the 9th Circuit Court of Appeals who discussed Restorative Justice based on the Mediation model. Mediation Coordinator Chanty Barranco provided insight on DPA Mediation logistics and qualifications to join the program and introduced the new training series for DPA Mediators.

New mediator applications poured in immediately following the event. Many applicants were interested in participating in DPA Outreach opportunities. Moreover, we have seen an increase in the number of responses to mediate DPA cases following the conference.

The DPA remained committed to its mission to investigate civilian complaints of police misconduct or failure to perform duties promptly, fairly, and impartially. The DPA continued to focus its efforts on addressing the concerns of the public for greater transparency.

Respectfully submitted,

Paul D. Henderson, Executive Director

STATISTICS AND CASE INVENTORY

187 cases received
648 allegations investigated
349 officers involved
186 cases closed
14% sustained rate*

14%
sustained rate*

57%

more cases opened
vs 3rd qtr 2017

14

average caseload
per investigator

FINDINGS IN ALLEGATIONS CLOSED

22 No Finding
20 Withdrawn
56 Not Sustained
158 Proper Conduct
41 Sustained
115 Unfounded

MEDIATION

7 CASES MEDIATED
35 MEDIATIONS PENDING

Internal and External TRAININGS

Department Trainings

Annual Language Access Ordinance Training | presented by 2018 Summer Interns, M. Kennedy-Grimes and M. Hammons.

Public Records Training | presented by Staff Attorney, Diana Rosenstein

Emergency Preparedness | presented by Staff Attorney, Tinetta Thompson

SFPD Trainings

SFPD OIS - On Scene Management | presented by Sergeants John Crude and Lyn O'Connor

SFPD Academy Instruction | presented by DPA Operations Manager, Sara Maunder and Senior Investigator Steve Ball

Mediation Department Trainings

DPA Mediation Best Practices - Quarterly Forum and Training

Community OUTREACH

The DPA Executive Director attended Police Commission Community Meetings and gave regular updates. Policy Director, Samara Marion chaired monthly meetings for the Language Access working Group and Deaf and Hard of Hearing Working Group and attended regularly the Crisis Intervention Team Working Group. DPA staff provided outreach at 10 events and gave 3 presentations during the quarter. The DPA Project Manager, Danielle Motley-Lewis and 2018 Summer College Interns also distributed updated outreach materials to all SFPD Police District Stations and 22 Affiliate Organizations.

*New protocols for measuring case findings at the DPA on page 3

NEW PROTOCOLS FOR MEASURING CASE FINDINGS AT THE DPA

Two West Coast agencies were examined: [Oakland's Community Police Review Agency \(CPRA\)](#) and [Portland's Independent Police Review Division \(IPR\)](#). These agencies differ from the DPA in their number of investigators and size of their jurisdictions. However, the DPA follows a similar model in that each agency employs civilian investigators to conduct administrative investigations when members of the public allege misconduct by local law enforcement.

DPA learned that while IPR and CPRA investigate all allegations that are submitted, only certain types of investigations are included when determining their sustain rates. This information prompted DPA to re-evaluate its current standards for measuring sustain rates.

DPA investigations result in one (1) of ten (10) findings. Typically, DPA cases that result in a finding of "Information Only" are complaints where DPA determines that the alleged misconduct involves a non-SFPD officer or a non-sworn SFPD employee. Since DPA's jurisdiction is limited to sworn SFPD officers, DPA forwards misconduct complaints involving non-SFPD officers to the appropriate agency and renders an "Information Only" finding. "Information Only" cases are typically closed within fifteen (15) days of receiving the complaint, and thus require less DPA resources than other investigations.

Mediation cases follow an alternative path and typically involve very little investigation. DPA's mediation staff review the complaint and, if appropriate for mediation, coordinate the mediation with trained mediators, the complainant and officers. Mediated cases result in a finding of "Mediation."

In 2017, "Mediation" and "Information Only" investigations accounted for nearly 20% of the nearly seven hundred (700) investigations DPA conducted. Because "Information Only" and "Mediation" cases are handled in a separate manner than complaints requiring full investigations, DPA will no longer include them when determining sustain rates for findings of officer misconduct.

Similar to CPRA, DPA will calculate sustain rates based on the number of DPA complaints involving a full investigation. This change in sustain rate calculation will enable the DPA to more accurately measure and report on those cases that required a full investigation and determination concerning police misconduct.

DISPOSITION OF SUSTAINED ALLEGATIONS

The Department of Police Accountability proved misconduct in **17** cases during the third quarter. In total, the DPA sustained **48** allegations against **35** officers. For each case, the DPA made disciplinary recommendations tailored to the severity of the conduct and the officers' individual disciplinary histories. Recommendations were based on Commission-approved discipline guidelines. All cases were forwarded to the Chief of Police, who is authorized to make disciplinary decisions.

OFFICER DISCIPLINE

The Chief of Police disciplined **6** officers according to the DPA's recommendations. The Chief of Police lowered the discipline for **4** officers and declined to discipline **8** officers. Disciplinary decisions for **17** officers were pending at the end of the quarter.

- 33%** Officers received discipline as recommended by DPA
- 22%** Officers received lower discipline
- 44%** Officers were not disciplined

SCOPE

17
Cases

41
Allegations

35
Officers

ANALYSIS BY ALLEGATION

The Chief of Police decided **11** cases involving **30** allegations. The Chief agreed with **77%** of DPA's sustained findings. Six cases involving 18 allegations were pending decision at quarter end.

RETRAINING

11 officers were retrained, an outcome encouraged by DPA regardless of the recommended discipline level.

| ALLEGATION CATEGORY | ALLEGATION DESCRIPTION | Did the Chief Agree with DPA's Finding? | DPA DISCIPLINE RECOMMENDED | Did the Chief Agree with DPA's Disciplinary Recommendation? | SFPD CHIEF'S DISCIPLINE | Non-Disciplinary Corrective Action |
|---------------------|---|---|----------------------------|---|-------------------------|------------------------------------|
| CASE 1 | Two officers muted their body-worn cameras during a hit-and-run collision investigation. The officers failed to document the reasons for muting as required by SFPD Department Bulletin No. 17-0156, Body Worn Camera Mute Function. | | | | | |
| Officer A | Neglect of Duty | Agreed | Written Reprimand | No | No Discipline | Admonishment and Retraining |
| Officer B | Neglect of Duty | Agreed | Written Reprimand | No | No Discipline | Admonishment and Retraining |

| ALLEGATION CATEGORY | ALLEGATION DESCRIPTION | Did the Chief Agree with DPA's Finding? | DPA DISCIPLINE RECOMMENDED | Did the Chief Agree with DPA's Disciplinary Recommendation? | SFPD CHIEF'S DISCIPLINE | Non-Disciplinary Corrective Action | |
|--|------------------------|--|----------------------------|---|-------------------------|------------------------------------|-----------------------------|
| CASE 2 An officer muted his body-worn camera during a battery investigation. The officer failed to document the reasons for muting as required by SFPD Department Bulletin No. 17-0156, Body Worn Camera Mute Function. | | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Disagreed | Written Reprimand | No | No Discipline | Admonishment and Retraining |

| | | | | | | | |
|---|------------------------------|---|-----------|----------------------|----|---------------|-----|
| CASE 3 DPA received numerous complaints regarding a sergeant who used a police vehicle and his own body to block the path of skateboarders riding down a large hill. Several people complained that the sergeant intentionally used his shoulder to cause a collision that resulted in severe injuries to a skateboarder. The complainants expressed grave concern about the sergeant's conduct because it appeared intentional, unnecessary, and specifically aimed at harming the skateboarders. | | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with crowd control policies | Disagreed | Three-Day Suspension | No | No Discipline | n/a |
| | Conduct Reflecting Discredit | Inappropriate behavior | Disagreed | | | | |

| | | | | | | | |
|---|-----------------|--|-----------|-------------------|-----|-------------------|------------|
| CASE 4 Four officers were involved in detaining the complainant during a hit and run investigation. The officers determined that the complainant's license was suspended, prompting the officers to tow her vehicle. | | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DB 16-115, Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement | Agreed | Written Reprimand | Yes | Written Reprimand | Retraining |
| | Neglect of Duty | Failure to comply with DB No. 16-208, eStop Contact Data Collection Program | Agreed | | | | |
| | Neglect of Duty | Failure to comply with DGO (Department General Order) 10.11, Body Worn Cameras | Agreed | | | | |
| Officer B | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Disagreed | Written Reprimand | No | No Discipline | n/a |
| Officer C | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Disagreed | Written Reprimand | No | No Discipline | n/a |
| Officer D | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Disagreed | Written Reprimand | No | No Discipline | n/a |

| | | | | | | | |
|---|-----------------|---|--------|----------------------|-----|-------------------|------------|
| CASE 5 The complainant accidentally deployed her stun gun while sitting inside her parked car. Two patrol officers noticed the activity and detained the complainant to investigate her use of a weapon. They were joined by four backup officers. The officers handcuffed the complainant and held her in the back of a patrol car while they searched her car before releasing her at the scene. | | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras and DB No. 17-156, Body Worn Camera Mute Function | Agreed | Three-Day Suspension | No | Written Reprimand | Retraining |
| | Neglect of Duty | Failure to prepare an accurate and complete incident report | Agreed | | | | |
| Officer B | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras and DB No. 17-156, Body Worn Camera Mute Function | Agreed | Written Reprimand | Yes | Written Reprimand | Retraining |
| Officer C | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras and DB No. 17-156, Body Worn Camera Mute Function | Agreed | Written Reprimand | Yes | Written Reprimand | Retraining |
| Officer D | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras and DB No. 17-156, Body Worn Camera Mute Function | Agreed | Written Reprimand | Yes | Written Reprimand | Retraining |

| ALLEGATION CATEGORY | ALLEGATION DESCRIPTION | Did the Chief Agree with DPA's Finding? | DPA DISCIPLINE RECOMMENDED | Did the Chief Agree with DPA's Disciplinary Recommendation? | SFPD CHIEF'S DISCIPLINE | Non-Disciplinary Corrective Action |
|--|------------------------|---|----------------------------|---|-------------------------|------------------------------------|
| CASE 6 The complainant was detained for trespassing and subsequently booked on an active warrant. The complainant's bicycle was transported to station for safekeeping. | | | | | | |
| Officer A | Neglect of Duty | Failure to issue a property receipt in violation of DGO 6.15, Property Processing | Agreed | Written Reprimand | Yes | Written Reprimand Retraining |

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|--|-----------------|-------------------------------------|--------|----------------------|----|-------------------------------|
| CASE 7 An officer investigated a battery involving a victim who was injured and hospitalized. | | | | | | |
| Officer A | Neglect of Duty | Failure to write an incident report | Agreed | Three-Day Suspension | No | One-Day Suspension Retraining |

| | | | | | | |
|--|--------------------|---------------------------------|-----------|-------------------|----|-------------------|
| CASE 8 The complainant was detained for parking in a construction zone. | | | | | | |
| Officer A | Unwarranted Action | Detention without justification | Disagreed | Written Reprimand | No | No Discipline n/a |

| | | | | | | | |
|--|------------------------------|---|---------|-------------------|---------|---------|---------|
| CASE 9 The complainant was cited for making a left turn on a red light. | | | | | | | |
| Officer A | Unwarranted Action | Searching the complainant's vehicle without cause | Pending | Written Reprimand | Pending | Pending | Pending |
| | Conduct Reflecting Discredit | Making inappropriate comments | Pending | | | | |
| Officer B | Neglect of Duty | Writing an inaccurate citation | Pending | Written Reprimand | Pending | Pending | Pending |

| | | | | | | | |
|---|-----------------|---|--------|----------------------|----|--------------------|-----|
| CASE 10 The complainant was detained after he honked his horn and swerved around a patrol car. | | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras. | Agreed | Three-Day Suspension | No | One-Day Suspension | n/a |
| | Neglect of Duty | Failure to comply with DB 16-208, eStop Data Collection Program | Agreed | | | | |

| | | | | | | |
|--|-----------------|---------------------------------------|--------|----------------------|----|------------------------|
| CASE 11 The complainant was involved in a traffic collision and was found to be at fault. | | | | | | |
| Officer A | Neglect of Duty | Writing an inaccurate incident report | Agreed | Three-Day Suspension | No | One-Day Suspension n/a |

| | | | | | | |
|--|-----------------|---|--------|-------------------|-----|------------------------------|
| CASE 12 The complainant walked into a police station to report that he had been threatened with a gun by a customer at a nearby market. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGO 5.04, Arrests By Private Persons | Agreed | Written Reprimand | Yes | Written Reprimand Retraining |

| ALLEGATION CATEGORY | ALLEGATION DESCRIPTION | Did the Chief Agree with DPA's Finding? | DPA DISCIPLINE RECOMMENDED | Did the Chief Agree with DPA's Disciplinary Recommendation? | SFPD CHIEF'S DISCIPLINE | Non-Disciplinary Corrective Action |
|--|------------------------|---|----------------------------|---|-------------------------|------------------------------------|
| CASE 13 Two officers failed to activate their Body-Worn Camera equipment during an assault and battery investigation. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Pending | Written Reprimand | Pending | Pending |
| Officer B | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Pending | Written Reprimand | Pending | Pending |

| | | | | | | |
|---|-----------------|--|---------|----------------------|---------|---------|
| CASE 14 Three officers muted their body-worn cameras during an arrest. The officers failed to document the reasons for muting as required by SFPD Department Bulletin No. 17-0156, Body Worn Camera Mute Function. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Three-Day Suspension | Pending | Pending |
| Officer B | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer C | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |

| | | | | | | |
|--|-------------------|---|---------|-------------|---------|---------|
| CASE 15 Officer-involved shooting incident. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGOs 1.04, 1.06, 5.01, and DB Nos. 14-014 and 15-106 | Pending | Termination | Pending | Pending |
| Officer B | Unnecessary Force | Discharging a firearm resulting in a death, in violation of DGO 5.02 | Pending | Termination | Pending | Pending |

| | | | | | | |
|---|-----------------|---|---------|-------------------|---------|---------|
| CASE 16 An officer responded as backup at the scene of an arrest. During the investigation and arrest, the officer deactivated and reactivated her body-worn camera without documenting the reasons. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DGO 10.11, Body Worn Cameras | Pending | Written Reprimand | Pending | Pending |

| | | | | | | |
|--|-----------------|--|---------|-------------------|---------|---------|
| CASE 17 Officers muted their body-worn cameras during a shooting investigation. The officers failed to document the reasons for muting as required by SFPD Department Bulletin No. 17-0156, Body Worn Camera Mute Function. | | | | | | |
| Officer A | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer B | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer C | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer D | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer E | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer F | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |
| Officer G | Neglect of Duty | Failure to comply with DB No. 17-156, Body Worn Camera Mute Function | Pending | Written Reprimand | Pending | Pending |

Policy work is an essential aspect of the Department of Police Accountability's (DPA) mission as it directly impacts the entire police force and the community it serves. The San Francisco City Charter requires the DPA to present quarterly recommendations concerning SFPD's policies or practices that enhance police-community relations while ensuring effective police services.

DPA's policy work is spearheaded by Policy Director Samara Marion. During the Third Quarter of 2018, DPA presented policy recommendations to the Police Commission on 1) creation of a serious incident review board; 2) police protocols for interacting with Deaf and hard of hearing individuals; 3) language access services; and 4) release of incident reports within five days to domestic violence and sexual assault survivors. The DPA also presented policy recommendations to the SFPD to improve District Station services for sexual assault survivors.

During the July 18, 2018 Police Commission meeting, DPA presented its recommendations to implement a **Serious Incident Review Board** to replace the current Firearm Discharge Review Board (FDRB). DPA also reaffirmed its long-held position that SFPD's Training Division provide written analysis of tactical, training, and weapon related issues to the FDRB for any incident under review.

In 2015, DPA recommended a change to the SFPD's evaluation of officer-involved shooting incidents to include officer tactics and decision making that preceded the use of deadly force. DPA recommended this change in light of the California Supreme Court's decision in *Hayes v. San Diego* (2013) 57 Cal.4th 622, which ruled that tactical conduct and decisions preceding an officer's use of deadly force are relevant considerations in determining whether the use of deadly force is reasonable. Although SFPD never responded to DPA's 2015 recommendations, DPA incorporated, and the Commission adopted, the *Hayes* standard in SFPD's 2016 revised Use of Force policy. Nonetheless, FDRB's procedures have yet to be amended to consider the

tactical conduct and decisions preceding an officer's use of force. To provide a more robust review of force incidents consistent with best practices and Department of Justice findings, DPA recommended:

1. A Serious Incident Review Board to replace the current Firearm Discharge Review Board so that a broader array of force incidents is reviewed;
2. The review of officer-involved shootings, in custody deaths, and other force incidents be expanded to include analysis of the policy, training and tactics that may have contributed to the incident;
3. The Police Commission and the public be provided more information about Use of Force incidents, the investigations and recommendations that result from the Review Board's consideration;
4. A Serious Incident Review Board working group with representatives from the Police Commission, SFPD, the DPA and community stakeholders be created that includes site visits to the Seattle Police Department and Los Angeles Police Department.

During the Third Quarter, DPA also recommended **enhancing services, police protocols and officer training on interactions with Deaf and hard of hearing individuals**. In November 2017, DPA brought together a group of community stakeholders that met monthly to draft a proposed Department General Order, create an officer reference guide to use during traffic stops, and identify different technologies to assist SFPD officers at the station and in the field to communicate with Deaf and hard of hearing individuals. SFPD representatives also contributed to the recommendations, which included producing a scenario-based training video and upgrading the app that allows officers to use ALS interpreters in the field.

DPA also made policy recommendations to **ensure that victims of domestic violence, sexual assault, human trafficking, stalking and elder abuse obtain their incident report within five days of their request as mandated by Family Code §6228**. The DPA recommended:

1. Implement immediately a system that provides the enumerated victims their incident report within the statutory deadline;
2. Provide information on SFPD's website about how victims of domestic violence, sexual assault, stalking, human trafficking, elder/dependent adult abuse can obtain their incident report pursuant to Family Code § 6228;
3. Monitor compliance with the statutory deadline and report to the Police Commission its compliance with Family Code §6228 on a quarterly basis.

The DPA also made recommendations to **enhance District Station services for sexual assault survivors. Following the April 2018 hearings before the Board of Supervisor's Public Safety Committee on the treatment of sexual assault survivors**, DPA attended monthly meetings with community stakeholders, and at the group's July meeting, DPA provided the following recommendations:

At District Stations

1. Provide sexual assault reportees privacy at District Stations by requiring officers to use an interview room for interview and report-taking.
2. Provide sexual assault reportees at District Stations a copy of "Your Rights as a Survivor of Sexual Assault " prior to any interview or report-taking. (Penal Code section 679.04).
3. Comply with Penal Code section 679.04's mandate that a sexual assault survivor may have a victim advocate and support person present during the interview and report-taking at District Stations.
4. Inform a sexual assault survivor that SFPD can conduct the interview and take the report at SF Women Against Rape's office.
5. For Limited English Proficient (LEP) sexual assault reportees at District Stations, use a certified bilingual officer or employee for interview and report-taking. If a certified bilingual officer or employee is not available, use a Language Line interpreter.

All communication with an LEP sexual assault survivor should be in the survivor's primary language, including preliminary information about the anticipated wait time for an officer or in-person interpreter.

SFPD Website

6. Provide on SFPD's website easily locatable information about sexual assault survivors' rights, resources, SFPD's Special Victims Unit, Family Code §6228's requirements that victims of sexual assault, domestic violence, stalking, human trafficking and elder abuse be provided their police report within 5 days unless the agency informs victims of the reasons why, for cause, the report is not available. In such cases the incident report shall be made available to the victim no later than ten (10) working days after the request, and Police Commission Resolution 16-28 that provides for SFPD's biannual reports about its collection and analysis of sexual assault kit evidence and notification to sexual assault survivors of testing results.

Finally, in July 2018, DPA presented to the Police Commission detailed recommendations to advance DPA's ongoing language access projects. Since 2012, the DPA has convened monthly meetings with community stakeholders to enhance SFPD's language access services. DPA recommendations included:

1. Designating a Police Department analyst to review data on Limited English Proficient (LEP) calls-for-service including response time, types of calls, availability of bilingual officers, and language needs.
2. Requiring stations to identify the top language needs of the community in which the station is located and providing an incentive system so that stations are able to staff themselves with bilingual officers and Police Services Aides who speak the languages most needed.
3. Prominently posting in each station and to the public when bilingual officers and Police Service Aides are available and the language they speak.
4. Conducting an audit using LEP reportees to evaluate the effectiveness of language access at all of the stations.

Policy Failure Finding

Type of Allegation: Neglect of Duty

Complaint: The Complainant stated that officers searched her apartment without showing anyone a search warrant, including relatives she sent to the apartment to specifically ask to see the warrant. The Co-Complainant stated that he asked for a copy of the search warrant, but none was provided.

The named officers admitted that they did not show a copy of the search warrant to anyone on the premises. The named officers further stated that California law does not require officers executing a search warrant to display the warrant or provide a copy.

The SFPD Search Warrant Manual specifies, “[o]nce entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupants(s) a copy.” Department General Order 3.02 defines “should” as “permissive, but recommended [emphasis added].” Even though California law does not require officers to provide a copy of a warrant (see *People v. Calabrese* (2002) 101 Cal.App.4th 79, 85; *Nunes v. Superior Court* (1980) 100 Cal.App.3d 915, 936), SFPD’s Search Warrant manual recommends that officers show and provide a copy of the warrant to the occupant whose property is subject to the warrant. Providing a copy of the warrant is consistent with the goals of community policing and procedural justice. (“People are more likely to obey the law when they believe that those who are enforcing it have the legitimate authority to tell them what to do...The public confers legitimacy only on those they believe are acting in procedurally just ways.” Final Report of the President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. 2015, pages 9-10.) Department General Order 5.16 “Obtaining Search Warrants” does not include SFPD’s Search Warrant Manual’s provision that officers should show and provide a copy of the search warrant to the occupant. DGO 5.16 has not been updated since 1997.

Recommendation: The DPA recommends that DGO 5.16 be revised to require officers to provide a copy of the search warrant to the occupant whose property is the subject of the search warrant.

Policy Toolkit

In-depth analysis of DPA's policy work by subject matter
is available for download on our website at
<https://sfgov.org/dpa/toolkit>